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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,855	04/17/2001	Shinichi Baba	04900.00002	4194

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,855

Applicant(s)

BABA ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1,2,6 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi et al. in view of Haartsen, newly recited reference.

Regarding claims 1,9-20, Abbasi et al. discloses a system (fig. 1) for setting up base stations in relations to existing base stations (col. 1 lines 40-53 and col. 2 lines 8-14 and col. 4 lines 11-59), comprising: a first base station having a receiver (transceiver) (col. 2 lines 15-45), a processor (controller) (col. 2 lines 15-45) and a transmitter (transceiver) (col. 2 lines 15-45), wherein said receiver receives signals (signal strengths) from existing base stations (base stations or IRP) (col. 4 lines 12-31), said processor adds said existing base stations to a list of base stations (i.e. at least two base stations or IRPS, wherein each of the base stations or IRPS are on each other neighbors list, as taught in col. 4 lines 36-59). Abbasi et al. further discloses the receiving base stations or IRPs stores the list within their

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memory (col. 4 lines 55-60). Abbasi et al. differs from claim 1 of the present invention in that it does not disclose said transmitter transmits said list to other base stations. Haartsen teaches a system of cell sites (fig. 2) that broadcast a list of BCCH of carriers for neighboring cells and monitors a list of BCCH of carriers of neighboring cells (col. 6 line 58 through col. 7 line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abbasi et al. with said transmitter transmits said list to other base stations in order for the system to provide each base station a frequency reuse scheme which to prevent co-channel interference when handing over a mobile station between different cells, as taught by Haartsen.

Regarding claims 2, Abbasi et al. discloses said list includes candidates base stations and always handoff base stations (col. 2 lines 10-15).

Regarding claims 6, Abbasi et al. discloses a method (fig. 5) for setting up a base station (col. 4 lines 11-59) comprising the steps of: determining neighboring base stations (col. 4 lines 11-59); monitoring signals associated with said base stations (col. 4 lines 11-59); determining how said signals compare with a signal generated by said base station (col. 4 lines 11-59); ordering said base stations into a list (col. 4 lines 11-59). Abbasi et al. differs from claim 6 of the present invention in that it does not disclose said transmitter transmits said list to other base stations. Haartsen teaches a system of cell sites (fig. 2) that broadcast a list of BCCH of carriers for neighboring cells and monitors a list of BCCH of carriers of neighboring cells (col. 6 line 58 through col. 7 line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abbasi et al. with said transmitter transmits said list to other base stations in order for the system to provide each base station a frequency reuse scheme which to prevent co-channel interference when handing over a mobile station between different cells, as taught by Haartsen.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi et al. in view of Haartsen as applied to claim 1 above and in further view of Dolan.

Regarding claim 3, the combination of Abbasi et al. and Haartsen differs from claim 3 of the present invention in that they do not disclose other base stations approve or disapprove of said list from said base station. Dolan teaches a semi handoff candidates approve or disapprove of a list of semi handoff candidates for performing handoff (col. 9 lines 34-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Abbasi et al. and Haartsen with other base stations approve or disapprove of said list from said base station in order for the system to update the other base stations or IRPs memory with the list of neighboring base stations that are qualified for hand off, as taught by Dolan.

***Allowable Subject Matter***

4. Claims 21-24 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 21, the prior art of record fails to teach or suggest a first base station requesting a second base station to add said first base station to said second list of base stations; said second base station

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accepting or rejecting said first base station request; responsive to said accepting or rejecting step, adding said first base station to said second base station's list of base stations; said second base station returning said acceptance or rejection to said first base station; and said first base station confirming said acceptance or rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson  
Art Unit 2683  
December 7, 2005

**KEITH FERGUSON**  
**PRIMARY EXAMINER**

